



01-08-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Burkhardt et al.

Art Unit 2182

Serial No. 09/912,864

Filed July 24, 2001

Confirmation No. 6214

For METHOD AND SYSTEM FOR CREATING AND EMPLOYING AN OPERATING  
SYSTEM HAVING SELECTED FUNCTIONALITY

Attorney Docket MS155706.1(4931)

January 4, 2002

PETITION

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TO THE COMMISSIONER OF PATENTS AND TRADEMARKS  
SIR:

Applicants submit this petition to avoid the need to pay extension of time fees in responding to a Notice to File Corrected Application Papers purportedly mailed to applicants' attorneys but **which has never been received**. The Office apparently mailed the Notice in connection with the above-referenced patent application on September 4, 2001. By this Petition, applicants seek to reset the period for reply under 37 CFR 1.181. In the alternative, please consider this Petition to be a petition to suspend the rules under 37 CFR 1.183 if the petition to reset the period for reply is otherwise considered defective.

Applicants first became aware of the existence of the Notice on November 6, 2001 upon receipt of a Decision Granting Petition mailed October 31, 2001. The Decision referred to the Notice as having been mailed September 4, 2001 and stated that the Initial Patent Examination Division was awaiting a response to the Notice. It is the regular procedure for applicants' attorneys to docket all due dates immediately upon receipt of any correspondence from the Office. A search of the file jacket and docketing records indicates that the Notice was not received by applicants' attorneys.

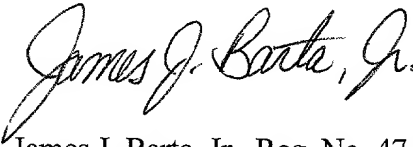
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In response to applicants' inquiry, Mrs. Ivey of the Customer Service Center informed applicants via telephone on November 13, 2001 that nothing in the Office computer system indicated that any such Notice had ever been mailed. However, after a follow-up inquiry by applicants' attorneys, the Customer Service Center transmitted a facsimile copy of the Notice on December 3, 2001. Enclosed is a copy of the facsimile Notice.

In light of the foregoing, applicants submit that **no extension fees** are needed in responding to the Notice inasmuch as applicants never received the mailed Notice and are now responding to the facsimile-received Notice in an expedited manner. Enclosed is a copy of the Letter to the Official Draftsman filed concurrently herewith in response to the Notice.

The Commissioner is hereby authorized to charge to Deposit Account No. 19-1345 any fees under 37 CFR 1.16 and 1.17 that may be required during the entire pendency of this application.

Respectfully submitted,



James J. Barta, Jr., Reg. No. 47,409  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

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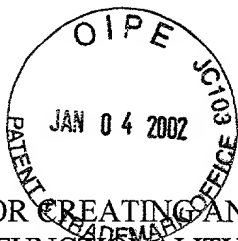
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Art Unit 2182



January 4, 2002

LETTER TO THE OFFICIAL DRAFTSMAN

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS  
SIR:

Submitted herewith are five (5) sheets of formal drawings to replace the drawings now on  
file.

Respectfully submitted,

A handwritten signature in cursive script that reads "James J. Barta, Jr.".

James J. Barta, Jr., Reg. No. 47,409  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

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\*Enclosure

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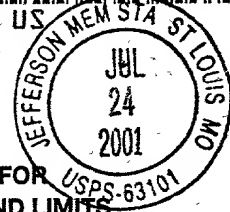
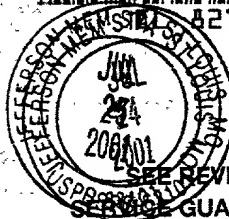
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